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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE, Plaintiff and Respondent, v. JASON MORROW, Defendant and Appellant.	D069699 (Super. Ct. No. SCD264403)

APPEAL from a judgment of the Superior Court of San Diego County, Michael S. Groch, Judge. Affirmed.

Rachel Ferguson, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance by Plaintiff and Respondent.

Jason Morrow appeals from a judgment following a guilty plea and sentencing that does not affect the plea. Morrow's brief on appeal, filed by appointed appellate counsel, presents no argument for reversal, but invites this court to review the record for error in

accordance with *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Morrow did not respond to separate invitations from appellate counsel and from this court to file a supplemental brief. After independently reviewing the entire record for error as required by *Anders v. California* (1967) 386 U.S. 738 (*Anders*) and *Wende*, we find no reasonably arguable appellate issues and affirm.

FACTUAL AND PROCEDURAL BACKGROUND

In November 2015, following Morrow's arrest on the campus of San Diego State University the district attorney filed a complaint against Morrow, charging him with: possession of a stabbing instrument on a college campus, in violation of Penal Code section 626.10, subdivision (b) (count 1) (subsequent undesignated statutory references are to the Penal Code); possession of metal knuckles, in violation of section 21810 (count 2); and possession of a controlled substance methamphetamine, in violation of Health and Safety Code section 11377, subdivision (a) (count 3).

Later that month, the trial court denied Morrow's motion to suppress the evidence seized at the time of his arrest — namely, a knife, metal knuckles and methamphetamine. The court then presided over a preliminary hearing, after which it ruled: certain offenses occurred — namely, violations of section 626.10, subdivision (b), section 21810 and Health and Safety Code section 11377, subdivision (a); there was sufficient cause to believe that Morrow was guilty of these offenses; and Morrow would be held to answer the three counts in the complaint.

In early January 2015, in consideration of the dismissal of all other remaining counts in the underling criminal complaint, Morrow pleaded guilty to count 1 of the

complaint — i.e., possession of a stabbing instrument on a college campus in violation of section 626.10, subdivision (b). The court placed Morrow on informal probation for three years and remanded him to the custody of the Sheriff or to an authorized representative of a residential rehabilitation facility (or the public defender's office for transportation to such a facility) for 240 days, less 121 days' credit for time served (§ 4019). As a condition of probation, the court ordered a Fourth Amendment waiver of rights which required Morrow to submit his "person, vehicle, place of residence, property, personal effects to search at any time without or without a warrant, and without or without reasonable cause, when required by a Probation Officer or other law enforcement officer." Over the timely objection of trial counsel, the court expressly included "electronic communications, recordable media, [and] cell phones" among Morrow's property subject to the Fourth Amendment waiver (Probation Condition).

Morrow timely appealed from the judgment in early February 2016.

During the pendency of this appeal, Morrow's appellate counsel notified the clerk of the superior court that a "part[] of the normal record on appeal" was missing — namely, the superior court's minutes from a hearing four months after the appeal on July 20, 2016 — in which the court formally revoked, reinstated and terminated probation; sentenced Morrow to time served; and fully released him. Without deciding whether the July 20 minutes are in fact part of "the normal record" in this appeal, on our own motion we augment the record on appeal to include these minutes. (Cal. Rules of Court, rule 8.155(a)(1)(A).)

DISCUSSION

Appellate counsel has filed a brief summarizing the facts and proceedings in the trial court. Counsel presented no argument for reversal but invited this court to review the record for error in accordance with *Wende*, *supra*, 25 Cal.3d 436.

Pursuant to *Anders*, *supra*, 386 U.S. 738, counsel identified as possible but not arguable issues: (1) whether the Probation Condition was unconstitutionally overbroad (citing *In re Sheena K.* (2007) 40 Cal.4th 875); and (2) whether the termination of Morrow's probation mooted appellate review of the Probation Condition.

Counsel invited Morrow to file a brief on his own behalf, and we granted Morrow permission to file a brief on his own behalf. Morrow has not responded.

Our review of the record pursuant to *Wende*, *supra*, 25 Cal.3d 436, and *Anders*, *supra*, 386 U.S. 738, discloses no reasonably arguable appellate issues.

Morrow has been adequately represented by counsel in this appeal.

DISPOSITION

The judgment is affirmed.

IRION, J.

WE CONCUR:

HALLER, Acting P. J.

O'ROURKE, J.